

REMARKS

Claims 9-29 are pending. Claims 1-8 have been canceled without prejudice.

I. Issues Under 35 U.S.C. § 103

The Examiner has imposed the following new rejections:

- (A) Claims 9-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arakawa, US 2002/0005925 (hereinafter "Arakawa '925") in view of Kawamoto et al., US 2003/0151704 (hereinafter "Kawamoto '704").
- (B) Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arakawa '925 in view of Kawamoto '704 as applied to claim 9 above, and further in view of Miyatake et al., US 2002/0159006 (hereinafter "Miyatake '006").

Applicants respectfully traverse Rejections A and B.

I-A. Regarding the present invention (Claim 9)

The present invention as describe in claim 9, is an optical laminate which comprises:

- A cholesteric liquid crystal layer and
- A quarter-wave plate laminated on the cholesteric liquid crystal layer,
 - The quarter-wave plate includes layer A and layer B,
 - The layer A is a material having a positive intrinsic birefringence value,
 - The material having a positive intrinsic birefringence value is an alicyclic structure-containing polymer resin having content of a molecular weight of 2000 or less of 5wt% or less,
 - The layer B is a material having a negative intrinsic birefringence value,
 - The layer A and layer B have the same molecular chain orientation,
 - The quarter-wave plate has a variation in thickness of 5 % or less, and
 - The quarter-wave plate is obtained by stretching a laminate obtained by coextruding the material having a positive intrinsic birefringence value and the material having a negative intrinsic birefringence value.

The optical laminate of the present invention stably exhibits an excellent luminance improving effect for a long period of time by possessing these features described above.

I-B. Regarding Arakawa '925:

Arakawa '925 discloses an optical laminate comprising a quarter-wave plate which includes the layer A and layer B, wherein the layer A and layer B have the same molecular chain orientation. In addition, Arakawa '925 discloses that the quarter-wave plate is obtained by stretching a laminate obtained by coextruding the material having a positive intrinsic birefringence value and the material having a negative intrinsic birefringence value.

As noted by the Examiner in the paragraph numbered as "5" on page 3 of the outstanding Office Action, Arakawa '925 does not disclose that the quarter-wave plate has a variation in thickness of 5% or less, and Arakawa '925 does not disclose that the optical laminate further comprises a cholesteric liquid crystal layer.

I-C. Regarding Kawamoto '704:

Kawamoto '704 discloses an optical laminate, wherein the optical laminate further comprises a cholesteric crystal layer and a quarter-wave plate laminated on the cholesteric liquid crystal layer.

However, Kawamoto '704 does not disclose that the quarter-wave plate has a variation in thickness of 5 % or less. Kawamoto'704 only discloses that "the quarter-wave plate is also preferably configured so that variation in retardation is suppressed with high accuracy." (See paragraph [0046]).

I-D. Combination of Arakawa '925 and Kawamoto '704:

In the Examiner's obviousness analysis, the Examiner has taken the following positions:

(i) It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the quarter-wave plate/cholesteric LC layer combination of Kawamoto '704 in the optical laminate of Arakawa '925;

(ii) The motivation for doing so would have been to minimize changes in hue and increased viewing angle, as taught by Kawamoto '704 [0007]; and

(iii) It would have been obvious to make the quarter-wave plate of Kawamoto '704 having variation in thickness of 5% or less, as Kawamoto '704 discloses that it is desirable to make the retardation of the quarter-wave plate as uniform as possible [0046], which is directly dependent on the quarter-wave plate thickness [0040].

However, Applicants do not agree with the Examiner's positions reiterated above for the following reasons.

First, as is stated above, Kawamoto '704 does not disclose that the quarter-wave plate which is used has a variation in thickness of 5 % or less. Kawamoto '704 only discloses that "the quarter-wave plate is also preferably configured so that variation in retardation is suppressed with high accuracy" (see [0046]).

Second, as the Examiner pointed out in the Office Action, Arakawa '925 also does not disclose that the quarter-wave plate has a variation in thickness of 5% or less.

Therefore, it is reasonable to find that the present invention would not have been obvious to make the quarter-wave plate of Kawamoto '704 having variation in thickness of 5% or less, even if Kawamoto '704 discloses an optical laminate, wherein the optical laminate further comprises a cholesteric crystal layer and a quarter-wave plate laminated on the cholesteric liquid crystal layer. Thus, it is clear that all of the elements of the instantly claimed invention are neither taught nor suggested.

With respect to claim 29, the Examiner cites Miyatake '006 for teaching that ethylene-(meth)acrylate copolymer can be used as an adhesive layer. In view of the fact that Miyatake '006 fails to teach a quarter-wave plate having a variation in thickness of 5% or less, Miyatake '006 does not cure the deficiencies of Arakawa '925 and Kawamoto '704.

In conclusion, it is clear that a *prima facie* case of obviousness does not exist, since all of the elements of the present invention described in independent claim 9 are neither taught nor suggested as is required for a *prima facie* case of obviousness. *In re Royka*, 180 U.S.P.Q. 580 (CCPA 1974). Furthermore, claims 10-29 which depend from and include all of the limitations

of claim 9 are also nonobvious. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

Garth M. Dahlen

Registration No.: 43,575

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant